

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
APR 09 2019	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>MA</u>	DEPUTY

ADULT PRINTED DIAPERS, LLC
1635 STOCKER STREET
LAS VEGAS, NV 89030
sales@adultprinteddiapers.com
Tel. 702-462-4237
Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Adult Printed Diapers, LLC,

Plaintiff,

vs.

Rearz, Inc. et al.,

Defendants.

CASE No. 2:18-cv-00370-DJH

**PLAINTIFF'S MOTION FOR 60-DAY
EXTENSION OF TIME TO LOCATE
NEW COUNSEL AND FILE RESPONSE
TO PENDING MOTIONS FOR
SUMMARY JUDGMENT**

(Assigned to the Hon. Susan M. Brnovich)

Plaintiff Adult Printed Diapers LLC respectfully requests that this Court grant it a 60-day extension to the Motion for Summary Judgment filed by Cooshie Tooshiez LLC (Dkt. 105) and Motion for Summary Judgment filed by Rearz Incorporated (Dkt. 107). This extension is necessary to allow Plaintiff to deal with the unexpected and disruptive decision by Plaintiff's previous counsel to withdraw without Plaintiff's consent.

As the Court is aware, this matter was filed in February 2018. Plaintiff's counsel were Justin Clark (trademark attorney) and Florin Ivan (litigation attorney). There have been extensive discovery, motion, and other proceedings. Much of the important legal information

1 is “in the heads” of Plaintiff’s former counsel, Mr. Clark and Mr. Ivan. They withdrew
2 simultaneously. Plaintiff was first advised of its prior counsel’s intention to withdraw on
3 approximately March 27, 2019. Thereafter, prior counsel participated in a trial setting
4 conference, but did not advise plaintiff that a trial date had been set for September 2019.
5 Plaintiff only learned about the trial setting on April 8, while speaking with a potential
6 replacement for Plaintiff’s prior counsel.
7

8
9 Prior counsel filed a motion to withdraw without client consent on April 1. That
10 motion was granted on April 4, before Plaintiff had a chance to respond or to be heard with
11 respect to how the withdrawal of prior counsel would seriously impact Plaintiff’s ability to
12 respond to the pending motions for summary judgment and the upcoming trial.
13

14 Plaintiff has spoken with potential substitution counsel. However, Plaintiff does not
15 believe that it will be retaining for trial any attorney with whom it has yet spoken. In the
16 meantime, the April 15, 2019 deadline for the responses to the motions for summary judgment
17 is looming. Plaintiff estimates that it will take approximately 30 days to locate new counsel
18 and familiarize him or her with the case. It is anticipated that new counsel will then need the
19 30 days anticipated in Local Rule 56.1(d) to draft a response to the two pending motions for
20 summary judgment.
21
22

23 Based upon the foregoing, Plaintiff respectfully requests that this Court grant a 60-day
24 extension, through June 14, 2019, for its response to the two pending motions for summary
25 judgment. Granting this extension would help ameliorate the effects of prior counsel’s
26 sudden withdrawal and avoid prejudice to any party.
27
28

1 RESPECTFULLY SUBMITTED this 9th day of April, 2019.

2 ADULT PRINTED DIAPERS, LLC

3 /s/ Steve Pandi

4 Steve Pandi

5 Director of Marketing and authorized agent

6 1635 Stocker Street

Las Vegas, NV 89030

7 ORIGINAL of the foregoing filed
8 this 9th day of April, 2019 and
9 COPY of the foregoing mailed this same day to:

10 Anderson J Duff

11 Revision Legal PLLC

244 5th Avenue, Suite 2230

12 New York, NY 10001

Attorneys for Defendants Rearz Incorporated and Coshie Tooshiez, LLC

13 Kenneth Michael Motolenich-Salas

14 MotoSalas Law PLLC

15 16210 N 63rd Street

16 Scottsdale, AZ 85254

Attorneys for Defendant Rearz Incorporated

17
18 /s/ Steve Pandi